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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,966	11/07/2001	Ignacio Sanz-Pastor	22503-05565	3416

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EXAMINER	
LASTRA, DANIEL	
ART UNIT	PAPER NUMBER
3688	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/007,966	SANZ-PASTOR ET AL.	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *65-80 and 82-87* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *65-80 and 82-87* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 65-80 and 82-87 have been examined. Application 10/007,966 (INTERACTIVE ADVERTISING WITH AN AUTOMATED VIEWING REWARD SYSTEM) has a filing date 11/07/2001 and Claims Priority from Provisional Application 60247473 (11/08/2000).

Response to Amendment

2. In response to Non Final Rejection filed 08/17/09, the Applicant filed an Amendment on 02/17/10, which amended claims 78, 80, 86 and added new claim 87.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 65-67, 73-74, 78-80, 82 and 85-87 are rejected under 35 U.S.C. 102(b) as being anticipated by Blahut (US 5,532,735).

Claims 65 and 85, Blahut teaches:

A method for providing interactive advertising comprising:

receiving video programming content and advertisements (see figure 4); displaying to a viewer at least a portion of the received video programming content (see col 2, lines 1-20);

automatically displaying to the viewer at least one of the received advertisements in addition to the displayed video programming content (see col 2, lines 1-10);

receiving after a first amount of time a request from the viewer to stop displaying the displayed advertisement (see col 5, lines 25-35);

responsive to the received request, stopping the display of the advertisement (see col 5, lines 25-35); and

awarding value to the viewer the value prorated according to an amount of the advertisement displayed during the first amount of time (see col 5, lines 50-67).

Claim 66, Blahut teaches:

wherein the received video programming has an associated cost to the viewer, and awarding value to the viewer further comprises crediting the viewer for at least a portion of the cost (see col 5, lines 60-67).

Claim 67, Blahut teaches:

automatically displaying to the viewer for a second amount of time a second advertisement in addition to the displayed video programming content and the first advertisement (see figure 4);

awarding value to the viewer the value prorated according to an amount of the advertisement displayed during the second amount of time (see col 5, lines 60-67)

Claim 73, Blahut teaches:

wherein the received video programming content is displayed to the viewer in response to a request from the viewer for the content (see col 6, lines 1-10).

Claim 74, Blahut teaches:

wherein receiving video programming content further comprises receiving a video stream over a network (see figure 4).

Claim 78, Blahut teaches:

A method for providing interactive advertising comprising:

receiving video programming content and advertisements (see figure 4);

displaying to a viewer at least a portion of the received programming content (see col 6, lines 1-10);

automatically displaying to the viewer at least one of the received advertisements in addition to the displayed video programming content (see figure 4);

receiving a skip request from the access device of the viewer; responsive to the skip request, stopping the display of the advertisement being displayed to the access device (see col 6, lines 25-45);

awarding value to the viewer the awarded value prorated according to an amount of the advertisement displayed (see col 5, lines 55-67).

and receiving a second of the received advertisement to the viewer (See col 6, lines 25-45; fig 5).

Claim 79, Blahut teaches:

wherein the received video programming has an associated cost to the viewer, and awarding value to the viewer further comprises crediting the viewer for at least a portion of the cost (see col 5, lines 55-67).

Claim 80, Blahut teaches:

awarding additional value to the viewer the awarded value prorated according to an amount of the second advertisement displayed (see col 5, lines 35-65)

Claim 82, Blahut teaches:

wherein receiving video programming content further comprises receiving a video stream over a network (see figure 4).

Claim 86, Blahut teaches:

A method for providing interactive advertising comprising:

receiving video programming content and advertisements (see figure 4);

displaying to an access device of a viewer at least a portion of the received video programming content (see col 2, lines 1-20);

automatically displaying to the access device of the viewer a plurality of the received advertisements interspersed with the displayed video programming content (see figure 4) *for each of the displayed advertisements, determining whether a skip request was received during display of the advertisement; and not skipped (see col 6, lines 25-45)*; and

awarding value to the viewer according to a number of interspersed advertisements displayed to the access device of the viewer (see col 5, lines 50-67) *and a number of interspersed advertisements displayed to the access device of the viewer and skipped (see col 5, lines 35-65).*

Claim 87, Blahut teaches:

wherein each advertisement has an associated value and awarding value to the viewer further comprises:

awarding to the user the value of each advertisement displayed to the access device of the viewer and not skipped (see col 5, lines 35-50);

prorating the value of each advertisement displayed to the access device of the viewer and skipped according to an amount of the advertisement displayed prior to receiving the skip request; and awarding each of the prorated values to the user (see col 5, line 50 – col 6, line 45).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 68-72, 75-77 and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blahut (US 5,532,735).

Claim 68, Blahut does not teach:

wherein the second advertisement is targeted to the viewer according to the viewer's usage history. However, Official Notice is taken that it is old and well known in the promotion art to target ads to users based upon viewing history. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to target ads to user based upon said user's viewing history as it is old and well known to do so.

Claim 69, Blahut does not teach:

wherein the viewer's usage history includes data describing which advertisements have previously been skipped by the viewer. However, Official Notice is taken that it is old and well known in the promotion art to monitor the ads viewed by users in order to target ads to said users. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to target ads to user based upon said user's viewing history as it is old and well known to do so.

Claim 70, Blahut does not teach:

wherein the second advertisement is targeted to the viewer according to the viewer's demographics. However, Official Notice is taken that it is old and well known in the promotion art to target ads based upon viewer's demographics. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify in invention in order to target ads to user based upon said user's demographics as it is old and well known to do so.

Claim 71, Blahut teaches:

receiving a request from the viewer to stop the display of the second advertisement; and responsive to receiving the request, stopping the display of the second advertisement (see col 5, lines 25-35).

Claim 72, Blahut teaches:

wherein each advertisement has an associated value, and awarding value to the viewer includes awarding the prorated value associated with each advertisement displayed to the viewer (see col 5, lines 40-50).

Claims 75 and 83, Blahut does not teach:

wherein receiving video programming content further comprises receiving a physical medium including the content. However, Official Notice is taken that it is old and well known in the promotion art to provide CDRoms to users containing video programs such as movies. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to transmit video content over a physical medium, as it is old and well known to do so.

Claims 76 and 84, Blahut teaches:

wherein receiving advertisements further comprises receiving advertisements over a network (see figure 1).

Claim 77, Blahut does not teach:

wherein the value awarded to the viewer depends at least in part on the time of day at which the advertisement is displayed. However, Official Notice is taken that it is old and well known in the promotion art to charge different advertisements fees based upon the time of day said advertisements are displayed. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Blahut would modify his invention in order to provide a bigger credit to a user that views

ads at time of the day where displaying said ads would be more profitable for a content provider.

Response to Arguments

5. Applicant's arguments filed 02/17/10 have been fully considered but they are not persuasive. The Applicant argues that the prior arts does not teach Applicant's claimed invention because according to the Applicant, Blahut does not teach after a first amount of time a request from the viewer to stop displaying the displayed advertisement. The Examiner answers that Blahut teaches that the billing of each user is adjusted on a pro-rata basis based upon the amount of time of viewed advertisement, where said amount of time of viewing takes into consideration if a user change channels or simply turn off the TV (i.e. "stop viewing the advertisement"; see col 6, lines 35-45). Therefore, contrary to Applicant's argument, Blahut teaches Applicant's claimed invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LYNDA C JASMIN can be reached on (571) 272-6782. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
May 28, 2010